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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,172	01/10/2006	Mirko Lehmann	4587-045810	7988
28289	7590	11/23/2009		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER				
BOWMAN, ANDREW J				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
11/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,172

Applicant(s)

LEHMANN, MIRKO

Examiner

ANDREW BOWMAN

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 9-18 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The examiner acknowledges the cancellation of claim 5. As such, claims 1-4 and 6-18 remain pending in the current application.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive. The applicant has failed to specifically describe what content the rejection lacked, making it deficient. The arguments of the applicant appear to be entirely opinion, in no way supported by scientific data or facts.

Claim Rejections - 35 USC § 102

2. Claims 1, 4-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoey (US3618754).

a. Regarding claims 1 and 4, Hoey teaches stretching a woven tape material and coating the stretched tape (column 2, lines 12-21) with a solution consisting of a polyethylene emulsion in distilled water (table in column 6) prior to removing the tension on the woven tape, wherein it would be inherent, that by the end of the processing of the tape, that it would be "reduced to the size of the structure being produced". It should be noted that it is the position of the examiner that the coating forms many fields, side-by-side, with other fields of coating material between the fields, which can be referred to as spaces. It should be noted that without language in the claim to identify that the spaces are areas where the coating is not applied, the coating of the current claims read on a single sheet

coating, where fields are referenced arbitrarily with no difference between the fields and the areas between the fields.

b. Regarding claim 5, it is the position of the examiner that there would be an infinite number of coating areas arranged next to each other, as there is no size or description given to the coating area other than that it is coated.

c. Regarding claim 6, Hoey teaches adding ZnO to the substrate (table in column 3). As the specification of the current application has given no special definition to the term biomolecule, for the purposes of this examination the examiner has understood the term to mean "any molecule that can be associated with biological interactions". As such, US5395419 (column 1, line 64 through column 2, line 2). Shows that ZnO is a known biomolecule.

d. Regarding claim 8, Hoey teaches where the core of the tape material consists of spandex (column 1, lines 70-73).

3. Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pollack (US2286569).

e. Regarding claims 1, 3, and 7, Pollack teaches stretching a transparent film and coating the material, while in tension, wherein it would be inherent, that by the end of the processing of the tape, that it would be "reduced to the size of the structure being produced". It should be noted that it is the position of the examiner that the coating forms many fields, side-by-side, with other fields of coating material between the fields, which can be referred to as spaces. It should be noted that without language in the claim to identify that the spaces are

areas where the coating is not applied, the coating of the current claims read on a single sheet coating, where fields are referenced arbitrarily with no difference between the fields and the areas between the fields.

Allowable Subject Matter

4. Claims 2 and 9-18 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

f. .Regarding claim 2, it is the position of the examiner that the general concept of compressing a substrate and coating it with a solution while it remains under compression and then releasing the compression in order to create a modified substrate surface is not known in the prior art, nor is there any art that could be considered an obvious variant of this. Claims 11-18 stem from claim 2.

g. Regarding claim 9, it is the position of the examiner that although the product made using the methodology of claim 1 is known, it would not be obvious to apply that product to any sort of detection device.

i. The most relevant prior art (US3618754) teaches a pre-stretched coated tape. This tape is only used for bandaging applications and would not be recognized as obviously associated with detection devices.

ii. Another relevant prior art (US2286569) teaches a pre-stretched coated film. It is used for packaging and advertisement applications and would not be recognized as obviously associated with detection devices.

h. Regarding claim 10, it is the position of the examiner that although the a product made using the methodology of claim 1 is known, it would not be obvious or apparently desirable to incorporate a ceramic material into these substrates or use a substrate made of a ceramic material for these operations (especially in either of the two prior arts listed above).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW BOWMAN whose telephone number is (571)270-5342. The examiner can normally be reached on Monday through Friday (7:30 to 5:00)EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art Unit 1792

Andrew J Bowman
Examiner
Art Unit 1792
